

51AB/J, TERMED

**U.S. District Court  
Western District of Tennessee (Memphis)  
CIVIL DOCKET FOR CASE #: 2:98-cv-02235-jsg**

EEOC v. Fed Express Corp  
Assigned to: Julia S. Gibbons  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 03/09/1998  
Date Terminated: 04/08/1999  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **C. Gregory Stewart**  
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V.

**Intervenor Plaintiff**

**Robert H. Cook, Jr.**

*TERMINATED: 01/12/1998*

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V.

**Defendant**

**Federal Express Corporation**

represented by **James R. Mulroy, II**  
KIESEWETTER WISE KAPLAN &  
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*TERMINATED: 07/08/1998*  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/09/1998	1	COMPLAINT filed; 42:2000e (Former Emp) (Entered: 03/11/1998)
04/02/1998	2	WAIVER OF SERVICE OF SUMMONS by defendant Federal Express Corporation signed 3/19/98 (Former Emp) (Entered: 04/03/1998)
05/05/1998	3	DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT by defendant Fed Express Corp to [1-1]; jury demand (YDS) (Entered: 05/06/1998)
06/15/1998	4	MOTION by plaintiff EEOC for leave to intervene as a party pla by Robert H. Cook, Jr. (YDS) (Entered: 06/16/1998)
06/15/1998	5	MEMORANDUM by plaintiff EEOC in support of motion for leave to intervene as a party pla by Robert H. Cook, Jr. [4-1] (YDS) (Entered: 06/16/1998)
06/15/1998	6	MOTION w/Certificate in Good Standing and exhibits by intervenor plaintiff Robert H. Cook Jr. for attorney Marc Charmatz to appear pro hac vice (YDS) (Entered: 06/16/1998)
06/15/1998		FILING FEE PAID: on 6/15/98 in the amount of \$ 10.00, receipt # 039154 by Marc Charmatz for intvp Robert H. Cook, Jr. (YDS) (Entered: 06/16/1998)
06/17/1998	7	ORDER OF SPECIAL ADMISSION by Chief Judge Julia S. Gibbons granting motion for attorney Marc Charmatz to appear pro hac vice [6-1] ...it is therefore, ordered, adjudged and decreed that Marc Charmatz be admitted specially for the purpose of acting as attorney for a case in this Court on behalf of intvp Robert H. Cook, Jr.(cc: all counsel) (YDS) (Entered: 06/17/1998)
06/18/1998	8	SETTING LETTER ; scheduling conference set for 9:00a on 7/8/98 (YDS) (Entered: 06/18/1998)
07/08/1998	10	ATTORNEY SUBSTITUTION: terminating attorney Pamela D. Pitts for Fed Express Corp and substituting attorney James R. Mulroy II (YDS) (Entered: 07/09/1998)
07/09/1998	9	ORDER GRANTING LEAVE TO INTERVENE AS PARTY PLAINTIFF by Chief Judge Julia S. Gibbons granting motion for leave to intervene as a party pla by Robert H. Cook, Jr. [4-1] ...Ordered, Adjudged, and Decreed that said motion

		is hereby Granted. (cc: all counsel) (YDS) (Entered: 07/09/1998)
07/29/1998	11	SETTING LETTER : Scheduling Conference reset for 9:00a on 8/26/98 (YDS) (Entered: 07/30/1998)
08/24/1998	12	RULE 26 Disclosures Report by EEOC, Fed Express Corp, Robert H. Cook Jr. (YDS) (Entered: 08/25/1998)
08/26/1998	14	MINUTES: Status Conference: file stamp 8/27/98; discovery ddl set 3/19/99 motion filing ddl set 4/16/99, disclosure of expert witness info all parties ddl 2/19/99; jury trial set 7/26/99, est 2-3 days; Case may settle, Settlement conference before Mag Judge in 60 days Presiding Judge: Gibbons Pla Atty: Celia Liner/David Rudolph ; Dft Atty: Jim Mulroy C/R: Mark Dodson (YDS) (Entered: 08/28/1998)
08/28/1998	13	SCHEDULING ORDER 16(b) Chief Judge Julia S. Gibbons ; dispositive motion filing deadline set for 4/16/99 ; discovery deadline set for 3/19/99, expert witness disclosures ddl 2/19/99 ; jury trial set for 7/26/99, case will take 2 to 3 days ; the Mag Judge will conduct a settlement conference in sixty days (cc: all counsel) (YDS) (Entered: 08/28/1998)
09/09/1998	15	RULE 26 Disclosures by Robert H. Cook Jr. (YDS) (Entered: 09/10/1998)
10/01/1998	16	SETTING LETTER: Settlement Conference set for 10:00 10/29/98, Rm 338 before Mag Judge Allen (YDS) (Entered: 10/05/1998)
10/27/1998	17	MOTION by defendant Fed Express Corp to dismiss , or in the alternative for partial summary judgment (YDS) (Entered: 10/28/1998)
10/27/1998	18	MEMORANDUM by defendant Fed Express Corp in support of motion to dismiss [17-1], or in the alternative motion for partial summary judgment [17-2] w/attachments (Document Placed in a Separate Folder) (YDS) (Entered: 10/28/1998)
11/30/1998	19	MOTION by plaintiff EEOC to extend time to respond to dft's Motion to Dismiss Or In The Alternative Motion for Summary Judgment for 30 days from the entry of the order (YDS) (Entered: 12/01/1998)
11/30/1998	20	MOTION by intervenor plaintiff Robert H. Cook Jr. to extend time to respond to dft's Motion to Dismiss or In the Alternative Motion for Summary Judgment for 30 days from the entry of the Order (YDS) (Entered: 12/01/1998)
12/04/1998	21	ORDER GRANTING PLAINTIFF EEOC'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND by Chief Judge Julia S. Gibbons granting motion to extend time to respond to dft's Motion to Dismiss Or In The Alternative Motion for Summary Judgment for 30 days from the entry of the order [19-1] ...It is hereby Ordered that pla's Motion for an Extension of Time to Respond is Granted and that pla's response to dft's motion is extended for an additional 30 days from the date of this Order. (cc: all counsel) (YDS) (Entered: 12/07/1998)
12/04/1998	22	ORDER GRANTING PLAINTIFF ROBERT H. COOK, JR'S UNOPPOSED MOTION FOR EXTENSION OF TIME by Chief Judge Julia S. Gibbons granting motion to extend time to respond to dft's Motion to Dismiss or In the Alternative Motion for Summary Judgment for 30 days from the entry of the Order [20-1] ....It is hereby Ordered, that pla's motion for extension of time is granted and that

		pla's response to dft's motion to dismiss or in the alternative motion for summary judgment is extended for an additional thirty days from the date of this Order. (cc: all counsel) (YDS) (Entered: 12/07/1998)
12/21/1998	23	SETTING LETTER : pretrial order deadline set for 7/9/99 : pretrial conference set for 7/16/99 at 9:00 : jury trial set for 7/26/99 at 9:30; Courtroom 1 (YDS) (Entered: 12/21/1998)
01/04/1999	24	LETTER/Supplement to Confidential Mediation Statement from defendant Fed Express Corp addressed to Mag Judge Allen; confidential settlement has been reached as to Robert H. Cook, Jr. (YDS) Modified on 01/13/1999 (Entered: 01/05/1999)
01/05/1999	25	RESPONSE by plaintiff EEOC to motion to dismiss [17-1], to motion for partial summary judgment [17-2] w/exhibits attached (Former Emp) (Entered: 01/05/1999)
01/07/1999	26	MOTION by plaintiff EEOC to compel responses to its first interrogatories to dft and first request for production of documents and things and entry upon land for inspection and other purposes (YDS) (Entered: 01/08/1999)
01/07/1999	27	MEMORANDUM by plaintiff EEOC in support of motion to compel responses to its first interrogatories to dft and first request for production of documents and things and entry upon land for inspection and other purposes [26-1] w/exhibit attached (YDS) (Entered: 01/08/1999)
01/12/1999	<a href="#">28</a>	STIPULATED ORDER OF DISMISSAL AS TO INTERVENING PLAINTIFF, ROBERT H. COOK, JR. by Chief Judge Julia S. Gibbons : ...stipulate to the dismissal with prejudice of pla's complaint in intervention as a party pla in this action. Each of the parties is to bear their own costs and attorney's fees. It is stipulated that the parties agree that this Court shall retain jurisdiction to enforce the terms of the Settlement Agreement and Release, if needed. dismissing party Robert H. Cook (cc: all counsel) (YDS) Modified on 02/03/1999 (Entered: 01/13/1999)
01/12/1999	29	ORDER OF REFERENCE by Chief Judge Julia S. Gibbons referring to Mag Judge James H. Allen the motion to compel responses to its first interrogatories to dft and first request for production of documents and things and entry upon land for inspection and other purposes [26-1] ...This matter is hereby referred to the US Mag Judge for a determination. Any exceptions to the Mag Judge's order shall be made by motion within ten days of the order. Furthermore, all exceptions shall be stated with particularity. (cc: all counsel) (YDS) (Entered: 01/13/1999)
01/14/1999	30	RESPONSE by defendant Fed Express Corp to motion to compel responses to its first interrogatories to dft and first request for production of documents and things and entry upon land for inspection and other purposes [26-1] (YDS) (Entered: 01/15/1999)
01/14/1999	31	MOTION by defendant Fed Express Corp to file reply brief to pla's response to dft's motion to dismiss on or before 1/26/99 (YDS) (Entered: 01/15/1999)
01/14/1999	32	MEMORANDUM by defendant Fed Express Corp in support of motion to file reply brief to pla's response to dft's motion to dismiss on or before 1/26/99 [31-1] (YDS) (Entered: 01/15/1999)

01/14/1999	33	CERTIFICATE of Consultation by defendant Fed Express Corp as to Motion to File a Reply Brief [31-1]. (YDS) (Entered: 01/15/1999)
01/15/1999	34	ORDER GRANTING DEFENDANT'S MOTION TO FILE REPLY BRIEF by Chief Judge Julia S. Gibbons granting motion to file reply brief to pla's response to dft's motion to dismiss on or before 1/26/99 [31-1] - It is hereby ordered that dft is given until 1/26/99 to file its reply brief. (cc: all counsel) (YDS) (Entered: 01/19/1999)
01/26/1999	35	DEFENDANT'S REPLY TO EEOC'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS [17-1]...EEOC's contention is without merit. The evidence submitted to the Court amply reflects the inconsistent posturing by the EEOC in this particular case. (Former Emp) (Entered: 01/29/1999)
01/27/1999	<a href="#">36</a>	ORDER ON PLAINTIFF'S MOTION TO COMPEL (FILED 1/7/99) by Mag Judge James H. Allen granting and denying motion to compel responses to its first interrogatories to dft and first request for production of documents and things and entry upon land for inspection and other purposes [26-1] ...The EEOC is hereby Authorized to record by video, photograph, or other like means two of FedEx's application processes, whether on FedEx's premises or upon their "vendor's" premises. Any video, photographs or other records of these two application processes, must be kept in the possession of counsel for pla EEOC, or his/her staff...with the proviso that FedEx need not provide information regarding those individuals "compiling" the information responsive to these discovery requests, FedEx msut submit a further, more detailed response to Interrogatory number 1 within 20 days of the docketing of this order...FedEx will not be required to further respond to Interrogatory number 3...FedEx will not be required to further respond to Interrogatory number 4...the EEOC's motion to compel FedEx to more fully respond to Interrogatory number 5 is Denied...the EEOC's motion to compel FedEx to more fully respond to Interrogatory number 6-8 is Denied...FedEx is directed to provide a response to Interrogatory number 10 to the EEOC within 20 days of the docketing of this order...FedEx is given 20 days from the date of the docketing of tis order to more fully respond to Interrogatory number 11...FedEx is ordered to more fully respond to Request for Production number 2 within 20 days of the docketing of this order...FedEx will not be required to further respond to Request for Production number 4; FedEx must therefore supplement its response to Production number 5 - Request within 20 days of the docketing of this order. (cc: all counsel) (YDS) (Entered: 01/29/1999)
01/29/1999	37	AFFIDAVIT of David W. Huffer (YDS) (Entered: 02/02/1999)
02/10/1999	38	MOTION by defendant Fed Express Corp for a protective order to stay discovery w/exhibit attached (YDS) (Entered: 02/10/1999)
02/10/1999	39	MEMORANDUM of Fact and Law by defendant Fed Express Corp in support of motion for a protective order to stay discovery [38-1] (YDS) (Entered: 02/10/1999)
02/22/1999	<a href="#">40</a>	SETTING LETTER : Settlement Conference set for 10:00a 3/29/99, Rm 338 (YDS) (Entered: 02/22/1999)
02/22/1999	41	RESPONSE by plaintiff EEOC in opposition to motion for a protective order to stay discovery [38-1] (YDS) (Entered: 02/23/1999)

02/22/1999	42	MOTION by plaintiff EEOC to extend time for expert witness disclosures to 2/26/99 (YDS) (Entered: 02/23/1999)
02/24/1999	<a href="#">43</a>	ORDER GRANTING PLAINTIFF EEOC'S MOTION FOR EXTENSION OF TIME TO MAKE EXPERT WITNESS DISCLOSURES by Chief Judge Julia S. Gibbons granting motion to extend time for expert witness disclosures to 2/26/99 [42-1] ...It is hereby Ordered that pla's motion for extension to time is Granted, and that the Rule 16(b) Scheduling Order is modified making expert witness disclosures required by 2/26/99. (cc: all counsel) (YDS) (Entered: 02/24/1999)
03/11/1999	44	NOTICE by plaintiff EEOC of taking deposition of Patti S. Price on 3/16/99 @ 9:00 a.m. (EHG) (Entered: 03/11/1999)
03/11/1999	45	NOTICE by plaintiff EEOC of taking deposition of Renee Beech on 3/16/99 @ 1:00 p.m. (EHG) (Entered: 03/11/1999)
03/11/1999	46	NOTICE by plaintiff EEOC of taking deposition of Carol Kiser on 3/15/99 @ 1:00 p.m. (EHG) (Entered: 03/11/1999)
03/11/1999	47	AMENDED NOTICE by plaintiff EEOC of taking deposition of David Huffer on 3/15/99 @ 9:00 a.m. (EHG) (Entered: 03/11/1999)
03/11/1999	<a href="#">48</a>	ORDER CLARIFYING ORDER ON PLAINTIFF'S MOTION TO COMPEL (FILED 1/7/99).. by Mag Judge James H. Allen re [26-1] ..The intention of the order was to require FedEx to answer the interrogatory, which includes the names, addresses, and telephone numbers for the identified employees. (cc: all counsel) (EHG) (Entered: 03/11/1999)
03/11/1999	49	NOTICE by defendant Fed Express Corp of taking deposition of Kathleen Warden on 3/19/99 @ 9:00 a.m. (EHG) (Entered: 03/12/1999)
03/12/1999	<a href="#">50</a>	ORDER DENYING MOTION TO STAY DISCOVERY... by Chief Judge Julia S. Gibbons ...The timing of this motion to stay, however, serves only to disrupt needlessly a case in which discovery is fast moving toward completion. Federal Express will gain no great benefit from a stay of discovery, and plaintiff's efforts to complete discovery in a timely way will be jeopardized by the stay. Moreover, the motion to stay has provided an unjustifiable distraction for the parties at a time when prompt action on discovery matters is necessary. The motion to stay is denied. [38-1] (cc: all counsel) (EHG) (Entered: 03/12/1999)
03/12/1999	51	NOTICE by defendant Fed Express Corp of taking deposition of W.S. Grabon, W.P. Brown, Doris Wood and Robert Stevenson on 3/19/99 (EHG) (Entered: 03/12/1999)
03/22/1999	52	RETURN OF SERVICE (USMS form) of deposition subpoena, 3/15/99 (EHG) (Entered: 03/23/1999)
03/30/1999	54	MEMORANDUM by defendant Fed Express Corp in support of motion to strike plaintiff's proposed expert testimony and in Supplemental Support of its Motion for Summary Judgment [53-1] w/attachments [document placed in separate folder] (EHG) (Entered: 03/31/1999)
03/31/1999	53	MOTION by defendant Fed Express Corp to strike plaintiff's proposed expert testimony and to consider this motion and to consider this motion and supporting

		memorandum on defendant's summary judgment motion (EHG) (Entered: 03/31/1999)
04/08/1999	<a href="#">55</a>	CONSENT DECREE by Chief Judge Julia S. Gibbons : ..A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint alleging unlawful employment policies and practices at Dft's Memphis, TN facility.. B. The provisions of the Consent Decree will be effective from the date the decree is entered by the court and shall continue to be effective and binding upon the parties to this action for a period of 3 years.. ..The parties will bear their own costs and fees in this action. terminating case (cc: all counsel) (EHG) (Entered: 04/08/1999)

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